IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3392 OF 2005

Vijay Narayan Mhatre & Ors. ...Applicants

Vs.

The State of Maharashtra ...Respondent

Shri. Rajan Salvi for the Applicants.
Mr.K.V.Saste A.P.P.for the Respondent.

CORAM : A. S. OKA, J.
DATED : JUNE 28, 2005.

P.C.:
1. Heard Counsel appearing for the parties. An offence has been registered against the Applicants under sections 395, 458, 504 and 506 of the Indian Penal Code. One Pradeep Shankar Thakur is the Complainant. It appears that the Complainant is residing in a residential building at Panvel. It appears that he is running coaching classes in the premises held by him. The Applicant No.1 claims to be Chairman of Association of Holders of Flats in five buildings including the building in which the Complainant is having premises. The allegation against the Applicants is that they entered the coaching class of the Complainant and objected to the action of the Complainant of displaying the advertisement hoarding of the Coaching class. The

allegation is that the Applicant No.1 and seven to eight unknown persons assaulted the Complainant. The allegation is that at the time of incident someone snatched the golden chain of the Complainant and a wrist watch was lost.

2. The Application for Anticipatory Bail made by the Applicants has been rejected by the learned Sessions Judge only by observing that the allegations against the Applicants are of very serious nature.

3. From the F.I.R. it appears that there is a dispute between the Applicant No.1 and the Complainant as regards the action of the Complainant of commencing the Coaching classes in the premises of the Complainant. The incident appears to be outfall of the said dispute. The injuries on the person of the Complainant are very minor. One is one half centimeter long C.L.W., and the other is contusion having size of 2" X 1". The allegation regarding the snatching the chain is not made specifically against the Applicants. It is not the case of the Complainant that the wrist watch has been stolen. All that he says that in the fight, the wrist watch was lost.

4. Considering the nature of the dispute between the

parties and nature of the allegation made by the Complainant against the Applicants, this is not a case where custodial interrogation of the Applicants will be necessary. In my view, a case is made out for grant of Anticipatory Bail.

5. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicants in connection with the C.R.No.I 144 of 2005 registered at Panvel Town Police Station, the Applicants shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5,000/- each with one or two sureties in the like amount.

ii) The Anticipatory Bail is granted subject to condition that the Applicants will co-operate with the Investigating Officer by attending the Police Station as and when called upon to do so and that the Applicants will not make any attempt to influence or pressurise the prosecution witnesses or tamper with the prosecution evidence.

iii) This order will enure to the benefit of the

Applicants till the chargesheet is filed and thereafter the Applicants will be free to approach concerned Court for appropriate relief.

iv) The Application is disposed of in above terms.

v) Parties to act upon an authenticated copy of this order.

JUDGE